

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN J. MAHER,

Plaintiff

-vs-

DELAWARE & HUDSON RAILWAY
CO., INC., d/b/a/ CP RAIL SYSTEM,

Defendant

NO. 3:CV-03-909

(Judge Kosik)

ORDER

AND NOW, this 10th day of February, 2006, after consideration of plaintiff's motion for a new trial, unrelated to the substantive aspects of the trial itself which are now on appeal, IT IS HEREBY ORDERED THAT:

- (1) The motion for new trial is **denied** without prejudice pending the outcome of the appeal¹;
- (2) Counsel are to notify the Appellate Mediation Program of this Order.

s/Edwin M. Kosik
United States District Judge

¹ The appeal is related to the jury charge presented by the court. The new trial motion is related to post-trial evidence only.